Exhibit 1

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1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4   --oOo--

5   WAYMO LLC,

6   Plaintiff,

                                    Case

7   vs.   No. 3:17-cv-00939-WHA

8   UBER TECHNOLOGIES, INC.;

     OTTOMOTTO LLC; OTTO TRUCKING LLC,

9

               Defendants.

10   _____/

11

12   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

13

14   VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK

15   VOLUME II

16   WEDNESDAY, SEPTEMBER 6, 2017

17

18

19

20   Reported by:

21   Anrae Wimberley

22   CSR No. 7778

23   Job No. 2693569

24

25   Pages 178 - 317

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1   A.   In hindsight, there is a very small amount of   14:37:00

2 code in there.   14:37:01

3   Q.   And how do you know that?   14:37:03

4   A.   I don't know if it was true in 2015, but I   14:37:07

5 know that, at least today, there is some amount of   14:37:12

6 code in there that I committed, and so my own code is   14:37:16

7 in there.   14:37:17

8   Q.   And you put that in when?   14:37:19

9   A.   I don't remember.   14:37:21

10   Q.   This year?   14:37:22

11   A.   I don't remember.   14:37:23

12   Q.   At least at the time that you wrote this, as   14:37:27

13 far as you knew, there was no code or user data; is   14:37:31

14 that right?   14:37:34

15   A.   I would say that it was not exhaustive. It's   14:37:36

16 possible that there was some code in there. I don't   14:37:40

17 think there was any user data in there.   14:37:42

18   Q.   And then you say "it's pretty low value."   14:37:45

19   Do you see that?   14:37:46

20   A.   I do see that.   14:37:47

21   Q.   And that was true, wasn't it?   14:37:49

22   MR. BAKER: Objection to form.   14:37:50

23   THE WITNESS: What do you mean?   14:37:51

24 BY MR. GONZALEZ: 14:37:51

25   Q.   Do you want me to define "true"?   14:37:53

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1	A. No. I am asking you to define "low value."	14:38:00
2	Q. Those are your words.	14:38:03
3	A. So I will say that this is a very relative	14:38:06
4	thing. And Google data policies were designed with	14:38:14
5	code and user data in mind and were perhaps not the	14:38:18
6	greatest fit for the kind of data that we wanted to	14:38:20
7	store and that relative to instantly Google ending	14:38:28
8	data breaches, that the data that was in the	14:38:32
9	Subversion server would be considered of lesser value.	14:38:36
10	But by how much, I don't know; and in absolute terms,	14:38:40
11	I have no idea.	14:38:41
12	Q. All right. Bryan Salesky was your boss at	14:38:45
13	the time?	14:38:45
14	A. I don't think so.	14:38:47
15	Q. Who was Bryan Salesky to you at that time?	14:38:50
16	MR. BAKER: Objection to form.	14:38:51
17	THE WITNESS: I don't remember for sure, but I	14:38:53
18	think he was my skip-level manager.	14:38:57
19	BY MR. GONZALEZ:	14:38:57
20	Q. Somebody that you reported to?	14:38:59
21	A. Not quite. I had a manager that I reported	14:39:03
22	to. Bryan was not that manager. I don't remember the	14:39:08
23	org. chart exactly, especially in 2015, but I think	14:39:13
24	that my -- I think that Bryan was my manager's	14:39:22
25	manager, but that is all researchable.	14:39:25

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1   A.   The next message from me was on October 5th,   15:01:28

2 yes.   15:01:28

3   Q.   You respond less than an hour later; right?   15:01:31

4   A.   Yes.   15:01:37

5   Q.   And you refer to "low value." Low value is a   15:01:42

6 reference to the information that Mr. Levandowski had   15:01:45

7 accessed --   15:01:46

8   A.   It was a different e-mail from the one that I   15:01:49

9 referred to less than an hour later.   15:01:51

10   Q.   I'm not sure what you're referring to.   15:01:54

11   A.   Sorry. I'm just going back through the   15:01:57

12 conversation. Give me a moment.   15:01:59

13   (Witness reviews document.)   15:02:14

14   A.   Repeat your question.   15:02:16

15   Q.   You understood Thomas Gorman was a lawyer.   15:02:19

16   A.   Yes, I understood that Thomas was a lawyer.

17   Q.   And he's writing to you on October 5th at   15:02:23

18 2:54 p.m. about Anthony Levandowski; correct?   15:02:25

19   A.   Yes.   15:02:25

20   Q.   And then you write back, less than an hour   15:02:29

21 later, referring to Mr. Levandowski and what he   15:02:32

22 allegedly accessed. And you referred to it as "low   15:02:35

23 value"; correct?   15:02:36

24   MR. BAKER: Objection to form.   15:02:38

25   THE WITNESS: I referred to it as "low value   15:02:40

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1	enough," which is a relative expression to a threshold	15:02:46
2	and not an absolute statement.	15:02:48
3	BY MR. GONZALEZ:	15:02:48
4	Q. All right. And the phrase "low value" that	15:02:50
5	you use on October 5, 2016 is this same exact	15:02:57
6	expression that you used a year and a half earlier on	15:03:01
7	March 12th, 2015; correct?	15:03:04
8	MR. BAKER: Objection to form.	15:03:06
9	THE WITNESS: The words "low value" are used in	15:03:09
10	both places.	15:03:10
11	BY MR. GONZALEZ:	15:03:10
12	Q. So you're consistent. A year and a half	15:03:12
13	apart, on two different occasions, you're writing	15:03:15
14	important e-mails to important people in the company	15:03:18
15	describing the SVN material as "low value"; correct?	15:03:22
16	MR. BAKER: Objection to form.	15:03:23
17	THE WITNESS: I think calling things important is	15:03:27
18	your opinion, not necessarily a matter of truth or my	15:03:31
19	opinion.	15:03:32
20	BY MR. GONZALEZ:	15:03:32
21	Q. Was this important or not?	15:03:34
22	A. I don't know. Important to whom?	15:03:36
23	Q. Was it important to you?	15:03:38
24	A. It was important to me to not be bothered	15:03:42
25	anymore.	15:03:44

1	BY MR. GONZALEZ:	15:04:39
2	Q. And then you wrote, "Doesn't ring the alarm	15:04:43
3	bells for me"; right?	15:04:44
4	A. I did write that.	15:04:47
5	Q. And it didn't ring the alarm bells for you,	15:04:51
6	did it?	15:04:52
7	A. I will say that, on its own, as a single	15:04:58
8	action in absence of context, pulling the Subversion	15:05:03
9	repository is not suspicious, but that as part of a	15:05:09
10	larger narrative, you know, suspicion may or may not	15:05:12
11	come into play, right. You know, if the logs -- if	15:05:18
12	the logs showed, you know, someone pulling information	15:05:23
13	and putting that information somewhere else and then	15:05:27
14	leaving the company, maybe that's suspicious. Maybe	15:05:29
15	just looking at the log files on their own isn't	15:05:34
16	enough to tell that story.	15:05:36
17	Q. Did you ask for any changes to be made to the	15:05:39
18	maintenance of the data after your investigation?	15:05:44
19	MR. BAKER: Objection to form.	15:05:45
20	THE WITNESS: I don't remember.	15:05:48
21	BY MR. GONZALEZ:	15:05:48
22	Q. Did you at any point up until today recommend	15:05:51
23	that there be any changes -- security measures to the	15:05:54
24	information contained on the SVN repository?	15:06:00
25	MR. BAKER: Objection to form.	15:06:02

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1	have to have permission to use the system; fair?	15:15:06
2	A. Any interaction with the server has to be	15:15:08
3	checked against the access control list.	15:15:12
4	Q. And do you know today how many people are on	15:15:15
5	the access control list for this repository?	15:15:19
6	A. I don't know.	15:15:20
7	Q. All those people that you investigated, they	15:15:26
8	were all on the list; right?	15:15:27
9	A. I don't know, actually. If I were -- if I	15:15:32
10	were to conjecture, I don't actually think that all of	15:15:36
11	them were.	15:15:36
12	Q. And then after -- you say, "We all do full	15:15:40
13	checkouts and it makes me uncomfortable to think that	15:15:43
14	lawyers are trying to ascribe suspicion to it."	15:15:47
15	Do you see that?	15:15:48
16	A. I do see that.	15:15:49
17	Q. Those words are pretty self-explanatory, but	15:15:51
18	what you meant there was that you don't want lawyers	15:15:54
19	saying that just because somebody downloaded the	15:15:57
20	entire database, that means that there's something	15:15:58
21	fishy going on; right?	15:16:02
22	MR. BAKER: Objection to form.	15:16:03
23	THE WITNESS: So, clearly, the lawyers had quite a	15:16:05
24	bit more context than I had at this point in the	15:16:08
25	investigation.	15:16:09

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 1   BY MR. GONZALEZ:                                 15:16:09

 2      Q.   Right.

 3           But regardless of whatever they knew, your   15:16:10

 4   state of mind, when you wrote this e-mail, was that  15:16:12

 5   you didn't want lawyers suggesting to anyone that it 15:16:15

 6   was suspicious to download the entire database because 15:16:18

 7   you knew that that's how you programmed the          15:16:20

 8   instructions to operate; correct?                    15:16:21

 9      MR. BAKER:   Counsel, if you can let the witness  15:16:24

10   finish his answers, please.                          15:16:27

11      MR. GONZALEZ:   I thought he did.

12      MR. BAKER:   And objection to form.               15:16:29

13      THE WITNESS:   That was long.  Could you repeat   15:16:30

14   that, please.                                        15:16:32

15   BY MR. GONZALEZ:                                     15:16:32

16      Q.   Yeah.                                        15:16:32

17           The reason why it was making you             15:16:34

18   uncomfortable that lawyers would ascribe suspicion to 15:16:39

19   downloading the entire repository is because you knew 15:16:42

20   that anybody who followed your instructions would    15:16:46

21   automatically download the entire repository; true?  15:16:50

22      MR. BAKER:   Objection to form.                   15:16:51

23      THE WITNESS:   I was concerned about setting a    15:16:55

24   precedent for that one action in isolation being in  15:17:02

25   and of itself a marker of suspicion.                 15:17:06
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1	BY MR. CHATTERJEE:	17:29:07
2	Q. So why was that problematic for you?	17:29:12
3	A. It didn't really make sense to me in context	17:29:15
4	of looking for information.	17:29:17
5	Q. If you go to the e-mail October 5th, 2016 at	17:29:21
6	5:39, you say here, "At least historically, high value	17:29:28
7	has been algorithms and software." And then, "The	17:29:31
8	hardware (at all levels) was a second-class citizen."	17:29:34
9	Do you see that?	17:29:35
10	A. I do.	17:29:36
11	Q. Why did you write that?	17:29:40
12	A. I wrote that because it seemed like there was	17:29:47
13	some classification of relative value between	17:29:51
14	different kinds of information that was incongruous	17:29:54
15	with historical perceptions where the truly highest	17:30:00
16	value of information would be those items whose loss	17:30:05
17	could be an existential threat to Google, the company,	17:30:10
18	and, thus, policies around that kind of information	17:30:14
19	were designed accordingly.	17:30:16
20	And that hardware designs, at least in the	17:30:22
21	years prior, had not been ascribed that same sort of	17:30:27
22	damage to other people, like customers or existential	17:30:33
23	threat due to loss as things like personally	17:30:40
24	identifiable information.	17:30:42
25	Q. Has that changed since the time of this	17:30:45

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1   FEDERAL CERTIFICATE OF DEPOSITION OFFICER

2   I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby
declare:

3   That, prior to being examined, the witness named
in the foregoing deposition was by me duly sworn

4   pursuant to Section 30(f)(1) of the Federal Rules of
Civil Procedure and the deposition is a true record of

5   the testimony given by the witness;

          That said deposition was taken down by me in

6   shorthand at the time and place therein named and
thereafter reduced to text under my direction;

7   -----   That the witness was requested to

8   review the transcript and make any changes to the
transcript as a result of that review pursuant to

9   Section 30(e) of the Federal Rules of Civil Procedure;

          -----   No changes have been provided by the

10   witness during the period allowed;

11   -----   The changes made by the witness are

12   appended to the transcript;

          --X---   No request was made that the transcript

13   be reviewed pursuant to Section 30(e) of the Federal

14   Rules of Civil Procedure.

          I further declare that I have no interest in the

15   event of the action.

16   I declare under penalty of perjury under the laws

17   of the United States of America that the foregoing is
true and correct.

18   WITNESS my hand this 7th day of September, 2017.

19

20

21

22

23

24   <%signature%>

25   ANRAE WIMBERLEY, CSR NO. 7778